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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,121	05/14/1999	TIMOTHY HALL ADDINGTON	A-5035	2127

5642 7590 04/22/2003

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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LAWRENCEVILLE, GA 30044

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/22/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/312,121

Applicant(s)

ADDINGTON, TIMOTHY HALL

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Fijolek et al (6,510,162)**.

As to claim 1, note the Fijolek et al reference figures 1 and 2, disclose a system and method for managing channel usage in a data over cable system which includes network devices, cable modems connected in at least a downstream connection to one of the channels in a cable network and where the upstream connection may be to the cable network or to alternative networks such as, the public switched telephone network and further disclose a method for transporting Internet Protocol (IP) data over a subscriber television system including a headend, a transmission network, and a plurality of Home Communication Terminals (HCT), with at least one HCT authorized for receiving the IP data. The claimed method comprising the steps of...is met as follows: the claimed "establishing a subnet connection..." is met by Headend or TRTS 26, note figures 1, 7 and col. 4, lines 40-57 and col. 5, line 43-col. 6, line 12, note that the Headend or TRTS 26 establishes a subnet connection for transporting IP data from a

server, DHCP proxies 15, in the Headend or TRTS 26 to the external, Data Net 28, which is different from the transmission network, Cable Net 14, where the DHCP proxies 15, in the Headend receives, via PSTN 22 or Cable Net 144, at the Headend 26 a request for an IP connection from an authorized HCT, Customer Premise Equipment (CPE) 18 via Cable Modem (CM) 16, note col. 5, lines 7-29 and line 66-col. 6, line 12, the claimed "assigning at the Headend an IP..." is met by the DHCP 15, note col. 6, lines 1-12, note that the DHCP 15 assigns IP address to the authorized HCT, CM 16 for the duration of the IP connection, the claimed "establishing a route for IP data...is met by Headend 26, note figures 4, 5 and col. 11, lines 8-col. 12, line 8, note that Headend establishes a route for the IP data from HCT, CM 16, to the server, DHCP server 15 which assigns addresses and from the DHCP server 15 to the CM 16 over the transmission network, Cable Net 14, where at least a portion of the route for IP data is adapted to carry a plurality of IP datagrams destined for a plurality of unicast IP addresses, note col. 7, line 52-col. 8, line 12 and line 25-45, note further that the CM 16 after initialization, note col. 9, lines 13-44, establishes an IP link to TRAC 24 and begins upstream communications with CMTS 12 via DHCP layer 66 at the Headend 26, to complete a virtual data connection that allows CM 16 to receive data from Data Net 28 via CMTS 12 and the Cable Net 14, and send return data to Data Net 28 via TRAC 24 and PSTN 22, transmitting from the TRAC 24 at Headend 26 to the CM 16, information regarding the route for the IP connection, note col. 8, lines 25-45, and communicating between the CM 16 and the external network, Data Net 28, via the route and the subnet

connection, and releasing the route and assigned IP address upon termination of the IP connection, note col. 7, lines 18-64

As to claim 2, Fijolek further discloses where the IP data is encapsulated and communicated between the CM 16 and Headend or TRTS 26, within the digital data stream that includes television programming, note col. 4, lines 25-35, col. 6, lines 15-54 and col. 7, lines 18-33.

As to claim 3, Fijolek further discloses where the IP data is encapsulated into Motion Picture Experts Group (MPEG), transport packets, col. 6, lines 15-54, col. 7, lines 18-33 and col. 9, line 19-35.

As to claim 4, Fijolek further discloses where the IP address includes correlating the assigned IP address to Media Access Control (MAC) address associated with the CM 16, note col. 6, line 55-col. 7, line 2.

As to claim 5, Fijolek further discloses where the step of establishing the route for the IP data includes establishing and using a portion of a continuous feed session for IP data from the DHCP server 15 to the authorized CM 16, note col. 18, line 66-col. 19, line 21, note that the DHCP server 15 directs and coordinates the flow of data, with the various IP data, between the Headend 26 and the CM 16 and creates a continuous feed session within the Cable Net system.

As to claim 6, Fijolek further discloses where the step of establishing and releasing the route for IP data comprises, Digital Storage Media-Command and Control (DSM-CC) signaling techniques, note col. 7, lines 18-66 and col. 12, lines 35-64.

As to claim 7, Fijolek further discloses where establishing a route includes using a protocol for the IP data from the authorized CM 16 to DHCP 15, using slot allocation, note figure 7 and col. 18, line 60-col. 19, line 21.

As to claim 8, Fijolek further discloses where establishing a route for IP data includes establishing and using a session key uniquely associated with the route, note col. 7, lines 18-32.

As to claim 9, note the Fijolek et al reference figures 1 and 2, disclose a system and method for managing channel usage in a data over cable system which includes network devices, cable modems connected in at least a downstream connection to one of the channels in a cable network and where the upstream connection may be to the cable network or to alternative networks such as, the public switched telephone network and further disclose a method for transporting Internet Protocol (IP) data over a subscriber television system including a headend, a transmission network, and a plurality of Home Communication Terminals (HCT), with at least one HCT authorized for receiving the IP data. The claimed method comprising the steps of...is met as follows: the claimed "establishing a subnet connection..." is met by Headend or TRTS 26, note figures 1, 7 and col. 4, lines 40-57 and col. 5, line 43-col. 6, line 12, note that the Headend 26 establishes a subnet connection for transporting IP data from a server, DHCP proxies 15, in the Headend 26 to the external, Data Net 28, which is different from the transmission network, Cable Net 14, where the DHCP proxies 15, in the Headend receives, via PSTN 22 or Cable Net 144, at the Headend 26 a request for an IP connection from an authorized HCT, Customer Premise Equipment (CPE) 18 via

Cable Modem (CM) 16, note col. 5, lines 7-29 and line 66-col. 6, line 12, where the DHCP proxies 15, in the Headend receives, via PSTN 22 or Cable Net 144, at the Headend 26 a request for an IP connection from an authorized HCT, Customer Premise Equipment (CPE) 18 via Cable Modem (CM) 16, note col. 5, lines 7-29 and line 66-col. 6, line 12, which includes a Media Access Control (MAC) address associated with the HCT, CM 16 and CPE 18, note figure 6, col. 6, line 64-line 7 and col. 17, line 53-col. 18, line 2, the claimed "assigning at the Headend an IP..." is met by the DHCP 15, note col. 6, lines 1-12, note that the DHCP 15 assigns IP address to the authorized HCT, CM 16 for the duration of the IP connection, the claimed "maintaining in a database in the headend..." is inherent to the DHCP 15, note col. 6, lines 1-12 and lines 55-67, note that in order for the DHCP tell which computer device to assigning IP address the DHCP maintains a database in the Headend and to enable it to map the various physical addresses, MAC addresses of the Cable Net advices, CM 16 to the various assigned addresses by DHCP 15, and further to enable bi-directional communication between the Cable Net 14 and Data Net 28, note col. 4, lines 40-54, the claimed "establishing a route for IP data...is met as follows; the HCT, CM 16 after initialization, note col. 9, lines 13-44, establishes an IP link to TRAC 24 and begins upstream communications with CMTS 12 via DHCP server layer 66 at the Headend 26, to complete a virtual data connection that allows CM 16 to receive data, within a downstream bandwidth, from Data Net 28 via CMTS 12 and the Cable Net 14, and send return data to Data Net 28 via TRAC 24 and PSTN 22, note figures 4, 5 and col. 11, lines 8-col. 12, line 8, and further the downstream bandwidth includes at least a portion

of a television program, and the downstream route for IP data is adapted to carry a plurality of IP datagrams destined for a plurality of unicast IP addresses, note col. 7, line 52-col. 8, line 12, line 25-45, Headend 26, further establishes an upstream route for IP data from the authorized HCT, CM 16, the server, DHCP 15, over the transmission network, Cable Net 14, within an upstream bandwidth, where the upstream route uses a protocol selected from data slot allocation, note figure 7 and col. 18, line 60-col. 19, line 21, and transmitting from the Headend 26, to the HCT, CM 16 information regarding the downstream route and the upstream route for the IP connection, where the Headend 26, communicates the IP data between the CM 16 and the server, DHCP 15 via the downstream route, Cable Net 14 and the upstream route PSTN 22 or Cable Net 14, where the IP data is encapsulated into packets, note 7, lines 18-66, and Communicates the IP data between the server, DHCP 15, and the external network, Data Net 28, and releasing the assigned IP address, the downstream route and the upstream route upon termination of the IP connection, note 7, lines 18-66,

As to claim 10, note the Fijolek et al reference figures 1 and 2, disclose a system and method for managing channel usage in a data over cable system which includes network devices, cable modems connected in at least a downstream connection to one of the channels in a cable network and where the upstream connection may be to the cable network or to alternative networks such as, the public switched telephone network and further disclose a method of creating and removing Internet Protocol data communication paths within a television system. The claimed method comprising...is met as follows: the claimed "establishing a subnet connection..." is met by Headend or

TRTS 26, note figures 1, 7 and col. 4, lines 40-57 and col. 5, line 43-col. 6, line 12, note that the Headend 26 establishes a subnet connection for transporting IP data from a server, DHCP proxies 15, in the Headend 26 to the external, Data Net 28, which is different from the transmission network, Cable Net 14, where the DHCP proxies 15, in the Headend receives, via PSTN 22 or Cable Net 144, at the Headend 26 a request for an IP connection from an authorized HCT, Customer Premise Equipment (CPE) 18 via Cable Modem (CM) 16, note col. 5, lines 7-29 and line 66-col. 6, line 12, the claimed "establishing a continuous feed session..." is met by Headend 26, note col. 18, line 66-col. 19, line 21, note that the DHCP server 15 directs and coordinates the flow of data, with the various IP data, between the Headend 26 and the CM 16 and creates a continuous feed session within the Cable Net system, where the DHCP proxies 15, in the Headend receives, via PSTN 22 or Cable Net 144, at the Headend 26 a request for an IP connection from an authorized HCT, Customer Premise Equipment (CPE) 18 via Cable Modem (CM) 16, note col. 5, lines 7-29 and line 66-col. 6, line 12, the claimed "assigning at the Headend an IP..." is met by the DHCP 15, note col. 6, lines 1-12, note that the DHCP 15 assigns IP address to the authorized HCT, CM 16 for the duration of the IP connection, the claimed "designating a route for IP data...is met by Headend 26, note figures 4, 5 and col. 11, lines 8-col. 12, line 8, note that Headend designates a route for the IP data from HCT, CM 16, to the server, DHCP server 15 which assigns addresses and from the DHCP server 15 to the CM 16 over the transmission network, Cable Net 14, where at least a portion of the route for IP data is adapted to carry a plurality of IP datagrams destined for a plurality of unicast IP addresses, note col. 7, line

52-col. 8, line 12 and line 25-45, note further that the CM 16 after initialization, note col. 9, lines 13-44, establishes an IP link to TRAC 24 and begins upstream communications with CMTS 12 via DHCP layer 66 at the Headend 26, to complete a virtual data connection that allows CM 16 to receive data from Data Net 28 via CMTS 12 and the Cable Net 14, and send return data to Data Net 28 via TRAC 24 and PSTN 22, transmitting from the TRAC 24 at Headend 26 to the CM 16 information regarding the route for the IP connection, note col. 8, lines 25-45, and communicating between the CM 16 and the external network, Data Net 28, via the route and the subnet connection, and releasing the route and assigned IP address upon termination of the IP connection, note col. 7, lines 18-64.

Claim 11 is met as previously discussed with respect to claim 6.

As to claim 12, note the Fijolek et al reference figures 1 and 2, disclose a system and method for managing channel usage in a data over cable system which includes network devices, cable modems connected in at least a downstream connection to one of the channels in a cable network and where the upstream connection may be to the cable network or to alternative networks such as, the public switched telephone network and further disclose an application server for establishing, using, and deleting an Internet Protocol data communications route within a television system between the application server and an authorized Home Communications Terminal and between the application server and an external network. The claim application server comprising...is met as follows: the claimed "means for establishing..." is inherent to DHCP proxies 15,

Art Unit: 2614

note figures 1, 7 and col. 4, lines 40-57 and col. 5, line 43-col. 6, line 12, note that the DHCP proxies 15, is a means for establishing an external communication route between an external network, Data Net 28, and the application server, DHCP proxies 15, located in the Headend or TRTS 26 of the television system, Cable Net 14, for communicating Internet Protocol (IP) data between the DHCP proxies 15, and Data Net 28, using an IP address from the DHCP proxies 15, and releasing the external communication route, note col. 7, lines 18-66, the claimed "a processor..." is inherent to DHCP proxies 15, note figures 6, 7 and col. 11, line 55-col. 12, line 42, note that the processor within the DHCP 15 after receiving a request from Cable Modem (CM) 16 for connection to external network, Data Net 28, requests the establishment of an internal communications route between the CM 16 requesting an IP connection and DHCP proxies 15, for the duration of the IP connection, for releasing the internal communications route upon termination of the IP connection, note col. 7, lines 11-66, and for communicating the IP data between the CM 16 and DHCP proxies 15, over the internal communications route, wherein the IP address for communicating with the external network, Data Net 28, is associated with the CM 16, for the duration of the IP connection and is released upon termination of the IP connection, where a portion of the internal communications route is adapted to carry a plurality of IP datagrams destined for a plurality of unicast IP addresses, note col. 7, line 52-col. 8, line 12, line 25-45, the claimed "means for encapsulating and unencapsulating the IP data...is inherent to DHCP proxies 15, note col. 7, lines 18-57, note that DHCP 15 encapsulates and

unencapsulates to various IP data in order to establish connection or communicate between the various network devices, the various CM 16 and the DHCP 15.

Claim 13 is met as previously discussed with respect to claim 3.

Claim 14 is met as previously discussed with respect to claim 4.

Claim 15 is met as previously discussed with respect to claim 5.

Claim 16 is met as previously discussed with respect to claim 7.

Claim 17 is met as previously discussed with respect to claim 6.

As to claim 18, note the Fijolek et al reference figures 1 and 2, disclose a system and method for managing channel usage in a data over cable system which includes network devices, cable modems connected in at least a downstream connection to one of the channels in a cable network and where the upstream connection may be to the cable network or to alternative networks such as, the public switched telephone network and further disclose an application server for establishing and using an Internet Protocol data communications route within a television system between the application server and an authorized Home Communications Terminal and between the application server and an external network. The claimed application server comprising...is met as follows: the claimed "means for establishing..." is inherent to DHCP proxies 15, note figures 1, 7 and col. 4, lines 40-57 and col. 5, line 43-col. 6, line 12, note that the DHCP proxies 15, is a means for establishing an external communication route between an external network, Data Net 28, and the application server, DHCP proxies 15, located in the Headend or TRTS 26 of the television system, Cable Net 14, and a means for receiving a request for an Internet Protocol (IP) connection from an authorized Home

Communications Terminal, Cable Modem (CM) 16, note col. 11, line 56-col. 12, line 4, the claimed “means for requesting establishment...” is inherent to DHCP proxies 15, note col. 7, lines 18-67 and col. 11, line 56-col. 12, line 4, note that the DHCP 15 after receiving a request from Cable Modem (CM) 16 for connection to external network, Data Net 28, requests the establishment of an internal communications route, between the CM 16 requesting an IP connection and DHCP proxies 15, for IP data within the television system, Cable Net 14, between the application server, DHCP proxies 15, and the authorized Home Communications Terminal, Cable Modem (CM) 16, where the internal communications route requested is based on the type of IP data connection required by the authorized CM 16, where at least a portion of the internal communications route is adapted to carry a plurality of IP datagrams destined for a plurality of unicast IP addresses, note col. 7, line 52-col. 8, line 12, line 25-45, the claimed “means for assigning...” is inherent to DHCP proxies 15, note col. 6, lines 1-12, note that the DHCP 15 assigns IP address to the authorized CM 16 for the duration of the IP connection, the claimed “a memory for maintaining a database...” is inherent to DHCP proxies 15, note col. 6, lines 1-12 and lines 55-67, note that in order for the DHCP tell which computer device to assigning IP address the DHCP 15 maintains a database in the Headend and to enable it to map the various physical addresses, MAC addresses of the Cable Net advices, CM 16, to the various assign IP addresses by DHCP, and further to enable bi-directional communication between the Cable Net 14 and Data Net 28, note col. 4, lines 40-54, the claimed “means for encapsulating the IP data...” is inherent to DHCP 15, note col. 7, lines 18-57, note that the DHCP 15

Art Unit: 2614

encapsulates the IP data from the external network, Data Net 28, for communication between the CM 16 and the unencapsulates the IP data received from the CM 16 for communication to the Data Net 28, and further releases the internal communications route for IP data upon termination of the IP connection, note figure 7, col. 7, lines 18-57 and col. 18, line 60-col. 19, line 21.

Claim 19 is met as previously discussed with respect to claim 3.

Claim 20 is met as previously discussed with respect to claim 6.

As to claim 21, note the Fijolek et al reference figures 1 and 2, disclose a system and method for managing channel usage in a data over cable system which includes network devices, cable modems connected in at least a downstream connection to one of the channels in a cable network and where the upstream connection may be to the cable network or to alternative networks such as, the public switched telephone network and further disclose a subscriber system for communicating Internet Protocol data with an external network. The claimed system comprising...is met as follows: the claimed "a Home Communication Terminal..." is met by Cable Modem (CM) 16, note figure 1, 2 and col. 5, lines 6-35, col. 6, line 25-37 and col. 7, lines 18-43, note that the CM 16 interface 48 is data link layer 42, PPP, layer use to encapsulate datagrams over the communication link, note also col. 15, lines 10-21, the claimed "an interface to an external..." is met by DHCP server 15, note col. note figures 1, 7 and col. 4, lines 40-53 and col. 5, line 66-col. 6, line 12, note that the DHCP is an interface to an external network, Data Net 28, and CM 16, for communicating the Internet Protocol (IP) data with the Data Net 28, the where the subnet connection identifies at least one IP address

that will be used between the Data Net 28 and the Headend or TRTS 26, the claimed “means for establishing, maintaining, communicating over, and releasing...” is inherent to DHCP server 15, note col. 7, lines 18-66 and col. 11, line 43-col.12, line 8, note that the DHCP 15, establishes, maintains, communicates and releases communications route from the application server, DHCP proxies 15, to CM 16 within the subscriber television system, where at least a portion of the internal communications route is adapted to carry a plurality of IP datagrams destined for a plurality of unicast IP addresses, note col. 7, line 52-col. 8, line 12, line 25-45, the claimed “means for encapsulating the IP data...” is inherent to DHCP 15, note col. 7, lines 18-57, note that the DHCP 15 encapsulates the IP data from the external network, Data Net 28, for communication between the CM 16 and the unencapsulates the IP data received from the CM 16 for communication to the Data Net 28, and further releases the internal communications route for IP data upon termination of the IP connection, and a transmission network, Cable Net 14, for connecting the CM 16, to the Headend or TRTS 26, note figure 7, col. 7, lines 18-57 and col. 18, line 60 col. 19, line 21.

Claim 22 is met as previously discussed with respect to claim 3.

Claim 23 is met as previously discussed with respect to claim 4.

As to Claim 24, the claimed “subscriber television system controller...is inherent the Cable Modem 16, as previously discussed with respect to claim 1.

As to Claim 25, Fijolek further discloses where the continuous feed session supports multicast IP data from the external network, note col. 15, line 10-col. 16, line 39.

As to claim 26, Fijolek further discloses where the means for establishing, maintaining, communicating over, and releasing the communications route uses at least a portion of the continuous feed session, note col. 7, lines 18-66 and col. 11, line 43-col.12, line 8, note that the DHCP 15, establishes, maintains, communicates and releases communications route from the application server, DHCP proxies 15 to CM 16, using at least a portion of a continuous feed session.

Claim 27 is met as previously discussed with respect to claim 7.

As to claim 28, Fijolek further discloses where the means for establishing, maintaining, communicating over, and releasing the communications route allows the Data Net 28 using DHCP to assign an IP address to the CM 16, note col. 7, lines 18-66 and col. 11, line 43-col.12, line 8.

Claim 29 is met as previously discussed with respect to claim 4.

Claim 30 is met as previously discussed with respect to claim 8.

As to claim 31, Fijolek further discloses where the means for establishing, maintaining, communicating over, and releasing the communications route is responsive to the tuning of the CM 16 and modifies the communications route based on the CM 16, note col. 8, lines 1-45 and col. 9, lines 13-35.

Claim 31 is met as previously discussed with respect to claim 4.

Claim 32 is met as previously discussed with respect to claim 6.

Response to Arguments

3. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection discussed above. Applicants amendment

to all the independent claims necessitated new grounds of rejection. This Office Action is made Final.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Isono et al (6,216,171) disclose a cable modem control method giving priority to packets from the head end over packets from the subscriber.

Thacker (6,011,548) discloses a system for integrating satellite broadband data distributed over a cable TV network with legacy corporate local area networks.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Annan Q. Shang
April 17, 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600